

### Remarks

As indicated in the Office action dated July 2, 2004, claims 1-23 are pending in the present application. With respect to this Amendment, claims 1-5, 7-8, 17, 22 and 23 are amended and claim 6 is cancelled, leaving claims 9-16 and 18-21 unchanged. No new matter has been added by this Amendment.

#### **Claim Rejections – 35 U.S.C. § 103**

With respect to paragraph 1 of the present Office action, claims 1-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,473,739 (“Showghi”). To establish a *prima facie* case of obviousness under Section 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143. The Office’s rejections do not meet the above criteria.

As amended, claim 1 recites a system for ordering and selling products at a venue. The system includes a first wireless communications device, a second wireless communications device associated with a first vendor configured to receive a message concerning the order and communicate a response message indicating acceptance or rejection of the order; and a third wireless communications device associated with a second vendor configured to receive a message concerning the order in the event the first vendor communicates a response message indicating rejection of the order, as well as additional limitations. Showghi does not teach or fairly suggest a system for ordering and selling products at a venue as recited in amended claim 1.

Showghi teaches a system and method for enabling patrons to self-order food, drink and souvenir items from remote order fulfillment locations for delivery to identified seats. The system includes several remote ordering devices (which can be wireless devices) that communicate over existing wireless telecommunications and Internet infrastructure to a venue fulfillment center having one or more order processing computers. According to the

specification, the system of Showghi can include several order fulfillment centers since, for large venues, it would be impractical to deliver all orders from a single processing location. Accordingly, it is necessary in the Showghi system to identify the location of the patron's seat to determine which order fulfillment center within the venue to send the order to. See Showghi, col. 6, lines 17-26.

However, the system of Showghi does not address the situation in which a fulfillment center can not fulfill an order by a patron (i.e., when the fulfillment center rejects an order). Showghi only teaches routing an order once to a fulfillment center based on the patron's seat within the venue. Showghi does not teach or fairly suggest a system in which another fulfillment center receives the order from a patron in the event when a previous center rejects the order, as claimed in amended claim 1. Accordingly, amended claim 1 includes allowable subject matter and the rejection of the claim should be withdrawn.

As amended, claim 2 recites a method for ordering and selling products at a venue including generating a product order on a wireless communications device associated with an attendee, transmitting a message concerning the order to a first vendor at the venue, receiving the message on a wireless communications device associated with a second vendor in the event a response message indicating rejection of the order is generated with the second wireless communications device, and generating a response message with the third wireless communications device indicating acceptance or rejection of the order, as well as additional limitations. Showghi does not teach or fairly suggest a system for ordering and selling products at a venue as recited in amended claim 2.

As discussed previously, Showghi does not teach or suggest a system or method that routes a patron's order from one fulfillment center to another center in the event a fulfillment center rejects the patron's order. Accordingly, amended claim 2 includes allowable subject matter and the rejection of the claim should be withdrawn.

As amended, claim 3 recites a system for ordering items available at a venue by a venue attendee. The system includes a display board configured to display instructions for generating an order via the wireless communication device and is configured to be viewed by multiple venue attendees, at least one wireless communication device operable to generate an order for

items available at the venue and transmit the order to a first computer device, a venue computer device coupled to the display board and operable to generate instructions to be displayed, and at least one vendor station operable to query the first computer device and display orders on a monitor, as well as additional limitations. Showghi does not teach or fairly suggest a system as recited in amended claim 3.

The system of Showghi does not include a display board configured to display instructions for placing an order via a wireless device that is also configured to be viewed by multiple attendees as recited in amended claim 3. Rather, all information, such as menu items, is communicated to patrons or attendees via the remote ordering devices. The remote ordering device is intended for a single user and thus, is not viewable by multiple attendees. The system of Showghi also does not include a venue computer that is configured to generate instructions for placing an order that is displayed on the display board. Accordingly, amended claim 3 includes allowable subject matter and the rejection of the claim should be withdrawn.

Claims 4, 5 and 7-16 depend from amended claim 3 and are allowable for the same reasons that amended claim 3 is allowable, as well as other reasons, which for the sake of brevity, are not discussed. Accordingly, the rejection of claims 4, 5 and 7-16 should be withdrawn.

As amended, claim 17 recites a method of ordering items at a venue including providing ordering information to venue attendees via a display board associated with the venue and configured to be viewed by multiple attendees regarding items available for order at the venue and how to order such items from venue seating locations of the venue attendees, as well as additional limitations. Showghi does not teach or fairly suggest a method of ordering items at a venue as recited in amended claim 17.

As discussed previously, Showghi does not teach or suggest providing ordering information to venue attendees via a display board associated with the venue and is configured to be viewed by multiple attendees. Showghi only teaches displaying menu items on a patron's remote ordering device which is not configured to be viewed by multiple attendees. Accordingly, amended claim 17 includes allowable subject matter and the rejection of the claim should be withdrawn.

Claims 18-21 depend from amended claim 17 and are allowable for the same reasons that amended claim 17 is allowable, as well as other reasons, which for the sake of brevity, are not discussed. Accordingly, the rejection of claims 18-21 should be withdrawn.

As amended, claim 22 recites a method of ordering items at a venue including establishing an account on a site prior to arriving at the venue, setting venue and seating locations for the account, associating a user identifier and security device with the account and accessing the site when located at the venue, as well as additional limitations. Showghi does not teach or fairly suggest a method of ordering items at a venue as recited in amended claim 22.

According to the specification of Showghi, patrons are presented with the opportunity to obtain the remote ordering devices as they arrive at the venue. At this time, venue personnel can arranged for payment information for items ordered via the remote ordering devices. See Showghi, col. 1, lines 5-10 and lines 37-43. Customers having their own compatible communication device will only need to enter the assigned serial number that corresponds to the patron's seat at the venue and provide payment information when ordering items at the venue. See Showghi, col. 5, lines 17-23. The system of Showghi does not teach or suggest establishing an account on a site prior to arriving at the venue as recited in amended claim 22. Accordingly, amended claim 22 includes allowable subject matter and the rejection of the claim should be withdrawn.

As amended, claim 23 recites a system for ordering and selling products at a venue. The system includes a first wireless communications device associated with an attendee configured to generate an order including attendee product ordering information, a second device associated with a first vendor configured to receive a message concerning the order, and a third device associated with a second vendor configured to receive a message concerning the order when the first vendor does not fulfill the order, as well as additional limitations. Showghi does not teach or fairly suggest a system as recited in amended claim 23.

As discussed previously, Showghi does not teach or suggest a system that routes a patron's order from one fulfillment center to another center in the event a fulfillment center rejects the patron's order. Accordingly, amended claim 23 includes allowable subject matter and the rejection of the claim should be withdrawn.

In light of the amendments and remarks above, the Applicant respectfully requests entry of this Amendment and the allowance of claims 1-5 and 7-23. The undersigned is available for telephone consultation at any time.

Respectfully submitted,,

A handwritten signature in black ink, appearing to read 'Elizabeth A. Egasti', with a stylized flourish at the end.

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